All the

ORDINANCES

OF THE

LORS and COMMONS

Assembled in

PARLIAMENT:

For the true Payment of

TYTHES,

And other such Duties according to the Lawes and Customes of this Realme.

ORdered by the Lords in Parliament Assembled, That these Ordinances for the due Payment of all Tythes and such other Duties, be forthwith Printed and Published.

Joh. Brown Cler. Parliamentorum.

London, Printed for *John Wright* at the Kings Head in the Old-Bayley.

1653

Die Veneris, 8. *Novemb.* 1644.

An Ordinance of the Lords and Commons Assembled in Parliament, for the true payment of Tythes and other such Duties, according to the Laws and Customs of this Realme.

WHereas divers persons within the Realme of England and Dominion of Wales, taking advantage of the present distractions, and ayming at their owne profit, have refused, and still do refuse to set out, yeeld, and pay Tyths, Offerings, Oblations, Obventions, and other such duties, according to the Law of the said Realme, to which they are the more incouraged both beause there is not now any such compulsary meanes for recovery of them by any Ecclesiasticall proceedings, as heretofore hath beene; and also for that by reason of the present troubles, there cannot be had speedy remedy for them in the temporall Courts, although they remain still due, and of right payable, as in former times. Be it therefore Declared and Ordained, by the Lords and Commons in Parliament assembled, that every person & persons whatsoever within the said Realme and Dominion shall fully, truly and effectually set out, yeeld, and pay respectively all and singular Tythes, Offerings, Oblations, Obventions, Rates for Tythes, and all other Duties commonly knowne by the name

of Tythes, and all arreares of them respectively to all and every the respective owners, Proprietors, Impropriators, and possessors, as well Lay as Ecclesiasticall respectively, their Executors and Administrators of Parsonages, Vicarages, or Rectories, either impropriate or presentative, or donative, and of Vicarages, and of portions of Tythes respectively within the said Realme and Dominion, according to the Law, custome, prescription, composition or contract respectively, by which they or any of them ought to have been set up, yeelded and paid at the beginning of this present Parliament, or two yeares before. And in all and every case where any person or persons hath at any time since the beginning of this present Parliament or two yeares before, substracted, withdrawne, or failed in due payment of or hereafter at any time shall substract, withdraw, or faile in due payment of any such Tythes, Offerings, Oblations, Obventions, Rates for Tythes, or any duty known by the name of Tythes, or Arreares of them or any of them, as aforesaid, the person or persons to whom the same is, hath beene, or shall be respectively due, his Executors or Administrators, shall and may make his and their complaints thereof to any two Justices of Peace within the same County, City, Towne, Place, Riding, or Division, not being Patron nor Patrons of the Church where such substraction, withdrawing, or failer of payment hath been or shall be; not being interessed any way in the things in question: which Justices of Peace are Authorized hereby, and shall have full power to summon by reasonable warning before hand, all and every such person or persons against whom any such complaints shall be made to them,

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and after his or their appearance before them, or upon default made after the second summons, the said summons being made as aforesaid, and proved before the said Justices by Oath, which said Justices hereby shall have power to administer the same, to heare and determine the said complaint, by sending for, and examining witnesses upon Oath, which said Oath the said Justices are hereby also authorized to Minister, and admitting other proofs brought on either side, and thereupon shall in writing under their Hands and Seales adiudge the case, and give reasonable costs and damage to either party, as in their iudgements they shall think fit.

And be it further Ordained by the Authoritie aforesaid, That if any person or persons shall refuse to pay any such Tythes or sums of money as upon such complaint, and proceeding shall be by any such Justices of Peace adiudged as aforesaid: and shall not within thirty dayes next after notice of such iudgement in writing under the hand & seal of such Justices of Peace given to him or them, make full satisfaction thereof, according to the said iudgement, in every such case the person and persons respectively to whom any such Tythes or sums of money shall be upon such iudgement due, shall and may by warrant from the said Justices, or either of them, distrain all and every, or any the goods and Chattels of the party or parties so refusing, and of the same to make sale, and to retain to himself or themselves so much of the monies raised by sale thereof, as may satisfie the said iudgement, returning the overplus thereof to the party or parties so refusing. And in case no sufficient distresse can be found, that then the said Justices of Peace, or any other Justices of Peace

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of the same County, as aforesaid, shall and may commit all and every such person and persons so refusing to the next common Goale of the said County, there to remaine in safe custody without baile or mainprize, untill he or they respectively shall make full satisfaction, according to the said iudgement.

Provided alwaies, and it is further Ordained by the Authority aforesaid, that if any person or persons shall thinke him or themselves uniustly dealt with by or in any such iudgement, as aforesaid, then he or they respectively shall and may thereof complaine to the high Court of Chancery, where the cause between the parties shall be againe heard and determined; which Court shall hereby have full power and authoritie to summon the parties, and to heare and determine the same, and to suspend execution as the same Court shall see cause, and to give finall iudgement therein with reasonable costs to the party or parties grieved by any such complaint brought before them.

Provided always that this Ordinance or any thing therein contained, shall not extend to any Tythes, Offerings, yeerly payment, or other Ecclesiasticall duties, due or to be due for any houses, buidings, or other hereditaments within the City of London or the Liberties thereof, which be otherwise provided for by Act of Parliament.

Joh. Brown Cler. Parliamentorum.

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Die Lunæ 9. Auguſt, 1647.

An Additional Ordinance of the Lords and Commons Aſſembled in Parliament, for the true payment of Tyths & other Duties.

WHereas ſome doubts have beene raiſed, whether Miniſters put into Livings and Sequeſtrations by Ordinance of both Houſes of Parliament, or Committees thereunto authorized by them, be comprized within the Ordinance of the eight of November, 1644. *Entituled, An Ordinance of the Lords and Commons Aſſembled in Parliament for the true payment of Tithes, and other ſuch Duties according to the Lawe, and Cuſtome of the Realme,* ſo as to recover their Tithes and other Duties by vertue thereof, and in what manner Juſtices of Peace ought to proceed upon the ſame. The Lords and Commons aſſembled in Parliament for the prevention of all ſuch doubts and ſcruples, do Declare, that every Miniſter put, or which ſhall be put into any Parſonage, Rectory, Vicarage, or Eccleſiaſticall Living, by way of Sequeſtration, or otherwiſe, by both or either the Houſes of Parliament, or by any Committee, or other perſon or perſons by Authority of any Ordinance or Order of Parliament, ſhall, and may ſue for the recovery of his Tithes, Rates for Tithes, Rents or other Duties by vertue of the ſaid Ordinance, in as ful and ample manner to all intents and purpoſes, as any other Miniſter, or other perſon whatſoever. And that the Juſtices of Peace mentioned in the ſaid Ordinance, ſhall upon complaint to them made by any ſuch Miniſter as aforeſaid, or other perſon within the ſaid Ordinance, immediately without delay iſſue out their Warrants to the Conſtables, petty-Conſtables, or other, or other Officers to ſummon ſuch perſon or perſons who already have, or hereafter ſhall refuſe to ſet out, or pay, or ſhall ſubſtract their Tithes,

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Rates for Tithes, Rents, or other Duties, to appear before them at their next monethly meeting, or ſooner; and uſe all poſſible expedition in the hearing and determining of ſuch complaints; and ſhall likewiſe have power to award treble damages to the parties complaining, and ſhall award the ſame accordingly in all ſuch Caſes where the ſtatute allowes and gives the ſame to any Miniſter or other perſon whatſoever.

And in caſe the ſumme or ſums of money ſo adjudged and awarded, ſhall not be paid within the time in the ſaid Ordinance mentioned, then the ſaid Juſtices ſhall upon complaint to them made, ſend forth their Warrants to the Conſtables, Petty-Conſtables, or ſuch other fit perſons, as ſhall be by the parties named, to whom any ſuch ſum or ſummes upon ſuch Judgement ſhall be due, and deſtrain all and every, or any the Goods and Chattels of any perſon or perſons ſo refuſing; and to ſell and diſpoſe of the ſaid Goods and Chattels according to the ſaid Ordinance; and to impoſe ſuch Fines and Penalties, not exceeding the ſum of Forty ſhillings upon the Conſtables, Petty-Conſtables, and other Officers, who ſhall wilfully refuſe or be negligent in executing their warrants, as they in their diſcretions ſhall thinke meet.

And becauſe many appeals are brought into the Chancery upon former Ordinance for Tithes, rather for vexation and delay, then otherwiſe; Be it therefore Ordained, that no Appeale ſhall be received or admitted thereupon, untill the party appealing ſhall lay downe in mony, either with the ſaid Juſtices of Peace, or in the Court of Chancery, the full value of the Tithes adjudged before the ſaid Juſtices, by way of ſecuritie, to perſecute his appeale with effect, and to render double coſts and damages to the party injur'd or delayed by the appeale, in caſe no reliefe be given upon the appeale to the perſecutor.

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Provided that this Ordinance ſhall continue and be in full force from the foure and twentieth day of July, 1647. untill the firſt day of November, which ſhall be in the yeare, 1648.

John Browne Cler. Parliamentorum.

Die Lunæ 23. *Auguſt*, 1647.

An Ordinance for keeping in Godly Miniſters placed in Livings by Authority of *PARLIAMENT.*

WHereas divers Miniſters in the ſeverall Counties of this Kingdome for notorious Scandals and Delinquency, have been put out of their Livings by authority of Parliament, and Godly, Learned, and Orthodox Miniſters placed in their rooms; And whereas the ſaid Scandalous and Delinquent Miniſters by force, or otherwaies, have entred upon Churches, and gained the poſſeſſion of the parſonage-Houſes, Tithes, and Profits thereunto belonging, and have obſtructed the payment of Tithes, and other profits due by the pariſhoners unto the Miniſters placed in the ſaid Churches by Authority aforeſaid.

The Lords and Commons Aſſembled in Parliament doe therefore Order and Ordaine, and be it Ordained by the ſaid Lords and Commons, That Sheriffs, Mayor, Bayliffs, Juſtices of the Peace, all Deputy-Lievtenants, and Committees of Parliament in the ſeverall Counties, Cities, and place within this Kingdom, do forthwith apprehend, or cauſe to be apprehended all ſuch Miniſters as by Authority of Parliament have

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beene put out of any Church or Chappell within this Kingdome, or any other perſon or perſons who have entred upon any ſuch Church or Chappell, or gained the poſſeſſion of ſuch Parſonage houſes, Tythes and Profits thereunto belonging, or have obſtructed the payment of the Tithes, and other profits due by the Pariſhioners, to the ſaid Miniſters there placed by Authority of Parliament, or Sequeſtrators appointed, where no Miniſters are ſetled to receive the ſame, and all ſuch perſons as have beene Aiders, Abetters, or Aſſiſtors in the premiſes, and commit them to priſon, there to remaine untill ſatisfaction be made to the ſeverall Miniſters placed by the ſaid Authoritie of Parliament for his or their damages ſuſtained, as to the ſaid Sheriffes, Mayors, Bayliffes, Juſtices of the peace, Deputy-Lieutenants, or Committees of Parliament, or any two of them ſhall appeare to be juſt, upon hearing and proofe made upon the Oath of two ſufficient Witneſſes (which they or any two of them are hereby authorized to adminiſter) who are likewiſe required to reſtore, ſettle and quiet the poſſeſſion in ſuch Miniſters as have beene placed by the ſaid Authority of *Parliament*, and they or any two of them have hereby power to raiſe Trained Bands, or any other forces within the ſaid ſeverall Counties, Cities and places to put this Ordinance in execution, and the ſaid Sheriffs, Mayors, Bayliffs, Juſtices of the Peace, Deputy-Lieutenants, and Committees of *Parliament* reſpectively, are hereby required to take effectuall courſe according to the ſeverall Orders and Ordinances of *Parliament* in that behalfe made, that all men do pay their Tythes or profits due unto the ſaid reſpective Miniſters. And it is hereby further Ordered and Ordained. That the Committee appointed for the plundred Miniſters have power to ſee this Ordinance put in execution. And it is further Ordained, That the Committee of complaints do give the like remedie to all ſuch Miniſters put in by the

the ſaid Authoritie of *Parliament*, and Sequeſtrators of the profits againſt whom any action ſhall be brought by any ſuch Delinquent, or ſcandalous Miniſters, or any other claiming by or under them for their Livings, Tithes, and profits, as they are authorized unto by any Order or Ordinance in other caſes.

It is laſtly Ordered and Ordained, That if any ſuch ſcandalous or Delinquent Miniſter, put out as aforeſaid, their aidors, or abettors, ſhall at any time hereafter, diſturbe, moleſt, or hinder ſuch Miniſter as is put into ſuch Church or Chappell as aforeſaid, in the Exerciſing of the office of his Miniſtry, upon proofe thereof made upon the oath of two Witneſſes, before the ſaid Sheriffs, Mayors, Bayliffs, Juſtices of Peace, Deputy-Lieutenants, or Committees of Parliament, or any two of them, It ſhall and may be lawfull to and for the ſaid Sheriffes, Mayors, Bailiffes, Juſtices of the Peace, Depury-Lieutenants, or Committees of *Parliament*, or any two of them, to commit ſuch Offendor or Offendors to priſon for one Month, ſo often as he or they ſhall ſo offend.

Joh. Browne Cler. Parliamentorum.

Die Martis 4 Aprill, 1648.

AN ORDINANCE OF THE LORDS and COMMONS Assembled in *PARLIAMENT*,

For the better payment of Tythes and Duties to the Ministers of the City of *LONDON*.

Whereas by an Ordinance of Parliament of the eight of Novem. Anno Dom. 1644. entituled, An Ordinance of the Lords and Commons assembled in Paliament, for the true payment of Tythes, and other such Duties, according to the Lawes and Customs of the Realme, there is a Proviso, That the said Ordinance, or any thing therein contained, shall not extend to any Tythes, Offerings, Yearly payments, or other Ecclesiasticall Duties, due or to be due for any Houses,

houſes, buildings or other hereditaments within the City of London, or the Liberties thereof which be otherwiſe provided for by Act of parliament: And Whereas ſome doubt and ſcruple hath been made, Whether the Lord Mayor of the City of London be ſufficiently authorized to relieve ſuch Miniſters within the ſaid Cities or the Liberties thereof, as have been put into any Benefice or Eccleſiaſticall Living by way of Sequeſtration by both or either Houſes of parliament, or by the Committee of Plundred Miniſters, or any other Committee of Parliament; Be it therefore Ordered and Ordained by the Lords and Commons in this preſent parliament Aſſembled, That the ſaid Proviſo in the before mentioned Ordinance of the eight of Novemb. 1644. be hereby repealed and wholly made null and void, and that the ſaid Ordinance of the eight of November, 1644 and the Ordinance of the ninth of Auguſt 1647. entituled, An Additionall Ordinance of the Lords and Commons Aſſembled in Parliament, for the true payment of Tythes and other Duties, and the Ordinance of the 23. of Auguſt, 1647. entituled An Ordinance for the keeping of Godly Miniſters placed in Livings by authority of Parliament, and all other Ordinances of parliament, con-

concerning the payment of Tythes, Rates for Tythes, Rents or other Duties, do extend to the said City of London, and the Liberties thereof, and be put in execution by the Lord Mayor of the said City for the time being, or by any two Justices of Peace within the said Citie or Liberties thereof, who are hereby authorized and required respectively, to require and command the aid of all Constables and other Officers that shall be by the said Mayor or Justices of Peace as aforesaid appointed for their assistance in the due execution of this Ordinance as well within their severall parishes or precincts as without, as well in cases of Sequestrations as otherwise, to all intents and purposes, and in the like manner as in & by the said Ordinances is Ordained, limited and appointed to be executed and done, in any other place or places within the Kingdome of England by the respective Justices of Peace, and other Officers in the said Ordinances mentioned.

Provided, That this Ordinance, or any thing therein contained shal not be construed to extend to the payment of any other kinde of Tythes, payments, rents or Duties, then such as have been paid at any time since the beginning of this Parliament, or two yeares before

Joh. Browne Cler. Parliamentorum.

Die Veneris, 27. Octob. 1648.

An Ordinance of the Lords and Commons aſſembled in Parliament, For the true payment of Tythes and other Duties, and for continuance of an Ordinance of the ninth of Auguſt, 1647.

THe Lords and Commons aſſembled in Parliament, Doe Order, Ordaine, and Declare, That the Ordinance of Parliament of the ninth of *Auguſt. Anno Dom.* 1647. Intituled, *An additionall Ordinance of the Lords and Commons aſſembled in Parliament, For the true payment of Tythes and other Duties*, ſhall continue, remaine and be, and hereby is continued to remaine and be in full force and ſtrength, from the laſt day of *October*, *Anno Dom.* 1648. untill the firſt day of *November*, *Anno Dom* 1650. any *promiſo* of limitation, or reſtraint for ceaſing, or determination thereof therein contained, or to be contrary in any wiſe notwithſtanding. Provided alwaies that upon all appeales to be brought into the Chancery, the party appealing ſhall lay downe in moneys either with the Juſtices of Peace, by whom any Order ſhall be made according to the purport of the ſaid Ordinance, or in the Court of Chancery, the full value of the Tythes adjudged

before the ſaid Juſtices, together with the treble Damages and Coſts, the which Coſts ſo to be depoſited ſhall not exceed ten pounds, or in default thereof no appeals ſhall be received or admitted; and it is likewiſe Ordained, That the penalty of forty ſhillings upon Conſtables, petty Conſtables, and other Officers limitted and appointed in and by the ſaid Ordinance for neglecting to doe their Duties, ſhall be levied by way of diſtreſſe and ſale of the Goods of ſuch perſons ſo neglecting or refuſing, by Warrant from the ſaid Juſtices of Peace, and by ſuch perſons as ſhall by them be thereunto Authorized, the ſame to be imployed to the uſe of the Poor of that Pariſh where ſuch Conſtable, petty Conſtable or other Officer doth inhabite.

John Brown Cler. Parliamentorum.

29 Aprill, 1652. *Reſolved upon the Queſtion by the Parliament.*

That it be referred to the Committee appointed to receive propoſals for the better propogation of the Goſpel, to take into ſpeedy conſideration how a competent and convenient maintenance for a godly and able Miniſtery may be ſettled in lieu of Tythes, and preſent their opinion therein to the Houſe, and that Tithes ſhall be paid as formerly, untill ſuch maintenance be ſettled.

Hen. Scobel Cler. Parliament.

FINIS.